



Attorney Docket No. 5000-89A
Confirmation No. 5716

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Hua-Shuang Kong
Serial No.: 09/715,576
Filed: November 17, 2000

Group Art Unit: 1763
Examiner: Ram N. Kackar

For: SUSCEPTOR DESIGNS FOR SILICON CARBIDE THIN FILMS

AUGUST 15, 2006

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 CFR § 41.41

This Reply Brief is responsive to the Examiner's Answer mailed June 15, 2006, in the above-referenced application.

1. ***Status of Claims.***

As set forth in Applicant's Appeal Brief dated March 30, 2006 and as affirmed in the Examiner's Answer mailed June 15, 2005, the present appeal involves Claims 22, 24, 49 and 50, which are currently under final rejection as set forth in the final Office Action mailed August 29, 2005. Claims 1-21, 23 and 25-48 are cancelled.

2. ***Grounds of Rejection to Be Reviewed on Appeal.***

As also set forth in Applicant's Appeal Brief and affirmed in the Examiner's Answer, Claims 22, 24, and 49 stand rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Briody (U.S. Patent No. 3,659,552).

Claim 50 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Briody in view of Martin et al. (U.S. Patent No. 4,579,080).

3. ***Argument.***

For the reasons previously presented by Applicants, Applicants respectfully submit that the cited documents fail to teach or suggest the claimed invention, and there is no motivation to combine the references as suggested by the Examiner.

Applicant offer the following additional comments in response to arguments presented in the Examiner's Answer mailed June 15, 2006.

The claimed system recites a susceptor "defined by a plurality of straight sidewall sections, each section having a planar surface." See page 8, lines 15-16 of the present application, referring to the susceptor 42 of Figure 1 "formed of a plurality of adjacent straight sidewall sections 43"; and page 9, lines 18-19, referring to the susceptor 50 of Figure 6 "formed of a plurality of adjacent straight sidewall sections 51."

In contrast to the claimed invention, the Briody reaction vessel is defined by annular sidewall sections. See Column 2, lines 46-47, which states that the Briody reactor vessel is formed of a plurality of "annular members, such as graphite rings 15-15." Accordingly, the Briody reaction vessel differs structurally from the claimed invention.

To conclude that Briody includes a susceptor "defined by a plurality of straight sidewall sections," the Examiner characterizes the surfaces on which substrate samples are placed as "straight wall sections" with an inherently planar surface. See pages 3 and 4 of the Examiner's Answer. Even if Briody is interpreted in this manner (with which Applicants disagree), the Briody vessel still differs structurally from the claimed invention. To this end, the overall reaction vessel construction of Briody is defined by the annular members or rings 15-15, and not by the so called straight sidewall sections as alleged by the Examiner.

The Examiner further states that the alleged "planar surfaces" of the Briody reaction vessel are "connected at adjacent sides." Again, even if one were to interpret Briody in the manner set forth in the Examiner's Answer (with which interpretation Applicants do not agree), the resultant reaction vessel would still differ structurally from the claimed invention

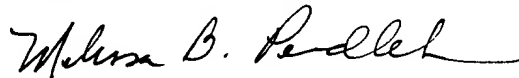
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in this respect as well. The surfaces on which the substrate samples are placed are part of a continuous annular ring member and accordingly are not connected at adjacent sides thereof.

Lastly, page 5 of the Examiner's Answer states that Briody "may appear to be a ring." Applicants respectfully submit that the Briody reaction vessel does not merely appear to be a ring. Briody explicitly describes its vessel as formed by annular member or rings, and further Briody illustrates a reaction vessel having curved sidewalls.

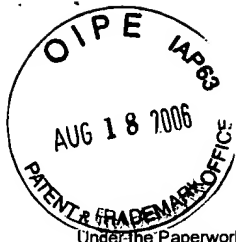
In view of the reasons previously presented and the foregoing comments, Applicants respectfully submit that the claimed invention is novel and nonobvious in view of the documents relied upon by the Examiner. Applicants accordingly request that the Board reverse the anticipation rejection of Claims 22, 24, 49, and 50 and order immediate allowance of all claims in this case.

Respectfully submitted,



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